

Misbranding was alleged with respect to a portion of the article for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 29, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25013. Adulteration of butter. U. S. v. 63 Cases, et al., of Butter. Default decrees of condemnation and destruction. (F. & D. nos. 35660, 35705, 35706, 35708, 35732. Sample nos. 16471-B, 16472-B, 22590-B, 22606-B, 22618-B, 38319-B.)

These cases involved shipments of butter, samples of which were found to contain mold and other extraneous matter.

On May 29, June 4, and June 6, 1935, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 95 cases and 55 tubs of butter at New Orleans, La. On June 19, 1935, a libel was filed in the Eastern District of Pennsylvania against 15 tubs of butter at Philadelphia, Pa. The libels charged that the article had been shipped in interstate commerce between the dates of May 7 and June 11, 1935, by the Lexington Ice & Creamery Co., from Lexington, Miss., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On July 8 and September 4, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25014. Adulteration and misbranding of macaroni, spaghetti, and egg noodles. U. S. v. 8 Cartons of Elbow Macaroni, et al. Default decrees of condemnation and destruction. (F. & D. nos. 35666, 35680, 35691, 35693, 35694. Sample nos. 36235-B to 36238-B, incl., 36240-B, 36241-B, 36484-B to 36488-B, incl., 36502-B.)

These cases involved various shipments of alimentary paste that contained soybean meal and turmeric, a yellow coloring matter.

On June 21, June 27, and July 1, 1935, the United States attorneys for the Districts of Maine and New Hampshire, acting upon reports by the Secretary of Agriculture, filed in their respective district courts, libels praying seizure and condemnation of 156 cases and 15 cartons of macaroni, 49 cases of egg noodles, and 19 cases of spaghetti, in various lots at Portland, Maine, Lewiston, Maine, Nashua, N. H., and Manchester, N. H., alleging that the articles had been shipped in interstate commerce between the dates of November 13, 1934, and May 9, 1935, by the Prince Macaroni Manufacturing Co., from Boston, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled, variously: "Ambro Elbow Mac. [or "Macaroni" or "Spaghetti"] Hard Wheat Flour Ambro Food Products, Boston, Mass."; "Gragnano Style Macaroni Made from Hard Wheat Durum Flour Elbow Macaroni"; "Prince Superfine Macaroni Italian Style Semolina No. 1 Products Prince Macaroni Mfg. Co., Boston, Mass. Spaghetti"; "Prince Superfine Pure Egg Noodles Contains Vitamin D"; "Kream Brand Spaghetti [or "Elbow Macaroni" or "Macaroni"] Made from Hard Wheat Durum Flour and Semolina"; "Prince Pure Egg Noodles"; "Italian Style Prince Superfine Bologna and Genova"; "Prince Superfine Egg Noodles"; "Prince Superfine Elbow Macaroni"; "Prince Elbow Macaroni."

The articles were alleged to be adulterated in that substances containing soybean meal and an added color, turmeric, had been substituted for macaroni, spaghetti, or egg noodles, which the articles purported to be. Adulteration was alleged with respect to portions of the articles for the further reason that they had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the following statements appearing on the labeling of the various products were false and misleading and tended to deceive and mislead the purchaser: "Mac [or "Macaroni" or "Spaghetti"] Hard Wheat Flour"; "Macaroni Made from Hard Wheat Durum Flour"; "Superfine Macaroni Semolina No. 1 Products"; "Spaghetti"; "Superfine Pure Egg Noodles * * * Contains Vitamin D"; "Spaghetti [or "Elbow Macaroni" or "Macaroni"] Made from Hard Wheat Durum Flour and Semolina"; "Superfine Bologna and Genova Made from Durum Wheat Semolina * * * Farfalle"; "Superfine Egg Noodles Made from Selected Amber

Durum Wheat * * * The popularity of Prince Superfine Egg Noodles is due to their superior quality. We combine Amber Durum Wheat and egg solids so as to give the user of Prince Noodles a product with a superior gluten content in addition to the eggs"; "Superfine Elbow Macaroni"; "Made from Selected Amber Durum Wheat Semolina"; "Macaroni"; "Prince Macaroni Products are made from pure Durum Wheat Semolina, the hardest part of the wheat. This accounts for its fine wholesome and nutritious flavor."

No claimant appeared for the property. On July 23 and July 26, 1935, judgments of condemnation were entered in the cases instituted in the District of Maine and the court ordered the products destroyed. On July 24, 1935, the products seized in the District of New Hampshire were adjudged to be misbranded and were also ordered condemned and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25015. Adulteration of butter. U. S. v. 35% Cases of Butter. Default decree of condemnation and destruction. (F. & D. no. 35720. Sample no. 16467-B.)

This case involved a shipment of butter samples of which were found to contain mold and other extraneous matter.

On May 29, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35% cases of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about May 12, 1935, by Kadane-Brown, Inc., from Dallas, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Daisy Maid Brand Country Roll Butter The Cudahy Packing Co. General Offices, Chicago."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On June 29, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25016. Adulteration and misbranding of Italian grated cheese. U. S. v. 10 Cases of Italian Grated Cheese. Default decree of condemnation. (F. & D. no. 35727. Sample no. 27763-B.)

This case involved skim-milk cheese containing added starch, which was represented to be Italian grated cheese. The statement of the quantity of the contents borne on the label was incorrect and inconspicuous.

On July 2, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 10 cases of Italian grated cheese at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about June 18, 1935, by Corticelli & Gaybrant, from Newark, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Boxes) "Original Italian Grated Cheese. Corticelli & Gaybrant, Newark, N. J. Contains 1½ oz. packed. This package contains a blend of genuine Parmesan and other choice Italian cheeses."

The article was alleged to be adulterated in that skim-milk cheese containing substantial quantities of starch had been substituted for Italian grated cheese.

Misbranding was alleged for the reason that the statements on the label, "Italian grated cheese" and "Contents a blend of genuine Parmesan and other choice Italian cheeses", were false and misleading, and tended to deceive and mislead the purchaser, when applied to a product consisting of skim-milk cheese containing added starch. Misbranding was alleged for the further reason that the statement, "Contents 1½ oz. packed", was false and misleading and tended to deceive and mislead the purchaser; and for the further reason that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect and was not plain and conspicuous.

On July 23, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be disposed of in such manner as would not violate the provisions of the Federal Food and Drugs Act.

W. R. GREGG, *Acting Secretary of Agriculture.*